

Minutes of July 1, 2003 Meeting
25541 Barton Road
Loma Linda

1. Chair Beswick called the meeting to order at 9:00 a.m.

Board Members Present

Board Members Absent

Carole Beswick, Chair
Fred Ameri, Vice-Chair
Jose Solorio
Seymour Van Gundy
John Withers
Joan Dotson
William Ruh

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Robert L. Holub, Supervising Water Resource Control Engineer
Michael J. Adackapara, Supervising Water Resource Control Engineer
Joanne E. Schneider, Environmental Program Manager
Mark G. Adelson, Chief, Basin Planning Regional
Jun Martinez, Chief, Regulations
Milasol C. Gaslan, Chief, Storm Water Inland Waters
Mark E. Smythe, Chief, Storm Water Coastal Waters
Barbara Laffoon, Executive Assistant

State Board Representative

There was none present.

Legal Counsel

Jorgé Léon

Public Attendance

Peter Mesard, Exponent for Control Components, Inc.
Herbert Miller, Control Components, Inc. (CCI)
Larry Hilton, Hewitt and O'Neill
Barbara Hamrick, CA Department of Health Services
Mike Shetler, Riverside County Environmental Health
Riley Clark, Whisper Ranch
Rod Cruze, City of Riverside
Earl Tuntland, County of Riverside
David Hudson, The St. Clair Company
Tim Piasky, BIA/SC
Scott Goulart, Aerojet
Bruce Amig, Goodrich
Susan Trager, Counsel, City of Rialto
Vithal Hosangadi, Tetra Tech
Mark Losi, Center for Environmental Microbiology
Joyce Clark, Metropolitan Water District
Phil Miller, Elsinore Valley Municipal Water District
Naresh Varma, San Bernardino County Flood Control District

Richard Atwater, Inland Empire Utilities Agency (IEUA)
Curtis Aaron, City of Fontana
Chandra Johannesson, Orange County Sanitation District
Jayne Joy, Eastern Municipal Water District
Don Schroeder, CDM
Chris Crompton, County of Orange
Maryanne Skorpanich, County of Orange
Larry McKinney, County of Orange
Mike Balsamo, BIA/OC
Greg Woodside, Orange County Water District

2. Public Forum

EO Thibeault explained that there were members of the public requesting to address the Board who were the former owners of an Orange County site, and wished to discuss the cleanup project underway by the current owners. The previous owners have taken issue with the cleanup.

Herbert Miller, representing CCI, the former owner of the site in question at 2567 SE Main Street, Irvine, addressed the Board regarding the TCE contamination and cleanup at the site. He noted that Metropolitan Life is the current owner. Metropolitan Life has a cleanup project in place, approved by staff, and is suing CCI. CCI considers the project excessive and fears unnecessary costs will escalate due to what they consider to be a highly flawed project plan. CCI requested the Board's assistance in delaying the project until a proper hearing could be held to address their concerns.

Counsel León explained to Mr. Miller that the Water Code did not address Board jurisdiction in a situation between previous and current property owners and the Board could not promise at this time to provide the particular action being sought. The Board directed staff to receive the documentation presented by CCI and to meet with and evaluate the situation and report back to the Board.

Susan Trager, Counsel for the City of Rialto, thanked the Board on the City's behalf for all their efforts, including support letters and grants, in the perchlorate investigation. She noted that Senator Barbara Boxer is planning to visit the City of Rialto for a tour and reception on August 7.

Chair Beswick asked Vice-Chair Ameri to comment briefly on the Chairs meeting in Sacramento on June 30. He expressed pride that the State Board officers complimented the Region 8 Board on the excellent staff at Santa Ana Region office.

3. Approval of Minutes of May 16, 2003 meeting

There being no additions or corrections, the minutes of the regular board meeting held on May 16, 2002, were approved as presented.

4. Approval of Consent Calendar Items

It was noted that Items No. 7, 8, and 11 had errata.

Action: It was moved by Member Withers, seconded by Member Ruh and unanimously approved that the Board adopt Items No. 5, 6, 9, and 10, as presented, and Items No. 7, 8 and 11 with errata.

- *5. Waste Discharge Requirements, Kimball Avenue, LLC, San Bernardino County, (NPDES No. CA8000401), Order No. R8-2003-0019

- *6. Waste Discharge Requirements, March Air Reserve Base, Riverside County, (NPDES No. CA8000400), Order No. R8-2003-0055
- *7. Waste Discharge Requirements and Producer/User Water Recycling Requirements for Inland Empire Utilities Agency, Regional Water Recycling Plant No. 5, San Bernardino County, (NPDES No. CA8000402), Order No. R8-2003-0003
- *8. Amending Waste Discharge Requirements, Eastern Municipal Water District, Regional Water Reclamation System, Riverside County (NPDES CA8000188), Order No. R8-2003-0066
- *9. Amending Waste Discharge Requirements, Elsinore Valley Municipal Water District, Regional Water Reclamation Facility, Riverside County (NPDES NO. CA8000027), Order No. R8-2003-0067
- *10. Rescissions, Order No. R8-2003-0078

	ORDER NO.	FACILITY AND LOCATION
1.	90-67	John Wayne Airport, Costa Mesa
2.	96-84	Kirkhill Rubber Company, Brea
3.	97-64	Gene Belk Fruit Packers, Bloomington
4.	90-29	Allied Mold and Die Corporation, Fontana

- *11. Revised Waste Discharge Requirements, Elsinore Sanitary Landfill, Riverside County, Order No. R8-2003-0045
- 12. Resolution of Recognition, Inland Empire Utilities Agency, Resolution No. R8-2003-0081

A Resolution of Recognition was presented by the Board to Inland Empire Utilities Agency in appreciation of the innovative efforts implemented by IEUA to provide a very high level of environmental, water quality and public health protection at a very low cost to its service area.

- 13. Wyle Laboratories Update

Robert Holub presented an update on the Wyle Laboratories and advised the Board that the responsibility of lead agency had been transferred from the Regional Board to the Department of Toxic Substances Control (DTSC) just prior to the Board meeting date.

Judith Praitis, counsel for Wyle Laboratories, asked the Board to reconsider the transfer of lead agency. She commented that since Wyle Laboratories had worked well with Board staff and made good progress, a change in lead agency at this point might negatively impact future efforts.

In consideration of her comments, the Board expressed concern that the action might delay efforts to resolve the situation. Mr. Thibeault explained that there were a number of areas to be addressed in the cleanup efforts that were not in the realm of water quality control. If the Board remained lead agency, there would likely be an unnecessary duplication of tasks, and Board staff would be required to undertake some types of work without relevant expertise.

- 14. Stormwater Quality Standards Task Force Agreement

Larry McKinney, County of Orange, presented the Agreement to the Board. Member Solorio voiced concern regarding the Regional Board's becoming a voting member of the Task Force, and preferred that the Board remain a non-voting member in an advisory role.

Action: It was moved by Member Solorio, seconded by Member Ameri and approved that the Board not accept Staff's recommendation to approve the agreement. Member Ruh dissented.

15. Projects Needed to Implement the Watershed Management Initiative (WMI)

Mark Adelson presented a list of Regional Projects List of activities and projects needed to implement the WMI and requested Board approval.

Action: It was moved by Member Withers, seconded by Member Ruh and unanimously approved that the Board approve the Regional Projects List as presented.

16. Status Report on Rialto-Colton-Fontana Perchlorate Investigation

Ann Sturdivant presented a status report on the on-going perchlorate investigation. She noted that a total of 18 investigation orders have been issued to date.

The Board was also informed that staff is preparing an Administrative Civil Liability Complaint for the Zambelli Fireworks Manufacturing Company for non-compliance with the Investigation Order. This ACLC will be scheduled for hearing at the Board's August 22nd meeting. The Board was updated on the status of litigation cases involving Emhart/Kwikset/Black & Decker, pertaining to the former West Coast Loading Corporation that handled perchlorate in Rialto during the 1950s.

Craig Moyer, representing Goodrich Corporation, commended Board staff for their efforts.

17. Orange County Municipal Storm Water Permittees' Model Water Quality Management Plan (WQMP)

Mark Smythe presented a draft Model WQMP, submitted by the permittees, for implementing Best Management Practices (BMPs) at new developments and significant redevelopments, as required under Board Order No. R8-2002-0010 (the Orange County "MS4" Permit.) Both staff and public comments were presented.

Chris Crompton, Manager of Environmental Resources for the County of Orange, addressed the Board regarding the item.

The item will be presented for public hearing at the August 22, 2003, or possibly at a special Board meeting prior to October 1, 2003.

18. Administrative Civil Liability Complaint, PCH Beach Resort, LLC, Orange County, Administrative Civil Liability Complaint No. R8-2003-0024

This item was paid and the discharger waived their right to a hearing. No further action is required.

19. Administrative Civil Liability Complaint, Three Rings Ranch, Inc., Riverside County, Administrative Civil Liability Complaint No. R8-2003-0031

This item was paid and the discharger waived their right to a hearing. No further action is required.

20. Administrative Civil Liability Complaint, Whisper Ranch, San Bernardino County, Administrative Civil Liability Complaint No. R8-2003-0080

Counsel Jorge León explained a new procedure that requires that a tentative order be prepared in advance of the hearing that will incorporate a Board action on the complaint and supporting findings. This order is to complete the action taken by the Board at the April 4, 2003 Board meeting.

Counsel León noted that the fourth line on page 4 of the proposed order should be changed from "complaint" to "Order."

Riley Clark, representing Whisper Ranch, said that Whisper Ranch was not notified of the date, time or location of the meeting. Mr. Thibeault called attention to a certified letter sent to Whisper Ranch outlining this information prior to the meeting.

Mr. Clark requested that the record reflect that Whisper Ranch feels this action is a reconsideration of the April 4, 2003, action and objected to the Order as a violation of the Water Code.

Action: It was moved by Member Solorio, seconded by Member Van Gundy and approved that the Board adopt Order No. R8-2003-0080 with the modification on page 4 as outlined earlier. Due to her absence from the April 4, 2003, meeting, Chair Beswick recused herself from participating.

21. Administrative Civil Liability Complaint, Ralph Te Velde, San Bernardino County —Administrative Civil Liability Complaint No. R8-2003-0044

Information pertaining to this item is contained in a verbatim transcript.

There was no representative for Mr. Te Velde in attendance. Counsel León stated the need to open the public hearing, summarize what happened, as EO Thibeault did, and then take action.

Chair Beswick opened the public hearing and presented the Chairman's Statement. Counsel León suggested the Board use the information provided by Staff in their packets.

Action: It was moved by Member Dotson, seconded by Member Van Gundy and unanimously approved that the Board adopt tentative Order No. R8-2003-0084, TV Farm 14744 Archibald Avenue in Chino, as presented.

22. Mandatory Penalty Complaint, Irell & Manella LLP, Orange County, Mandatory Penalty Complaint No. R8-2003-0059

This item was withdrawn.

23. Hazardous Waste and Sewage Spill Incident Report

Staff provided the Board with a list of hazardous waste and sewage spills since the May 16, 2003 Board meeting.

24. Underground Storage Tanks Site Closure Report

Staff provided the Board with a list of the underground storage tanks site closures since the April 4, 2003 meeting.

25. Underground Storage Tanks Corrective Action Plans

Staff provided the Board with a list of the corrective action plans for underground storage tanks since the April 4, 2003 meeting.

26. Executive Officer's Report

EO Thibeault advised the Board that staff would be meeting with representatives from the San Diego Regional Board to discuss areas of overlapping regional responsibilities.

27. Regional Board Member Communications

There were none.

28. Closed Session

The Board entered into closed session at 11:58 a.m. to discuss an ACLC involving Yucaipa Glen LLC, their petition, which was dismissed by the State Board, and the fact that the discharger may be considering legal action. Since there was no additional business or public statement, the meeting was adjourned following the Closed Session.

29. Adjournment

The meeting was adjourned to the regular meeting of August 22, 2003, at 9:00 a.m., at the Orange County Water District.

Respectfully submitted:

/s/

GERARD J. THIBEAULT
Executive Officer

/bjl